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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) CASE NO. 20-CR-431 VC
Plaintiff,)
v.) STIPULATION TO VACATE AND RESET
JUAN DAGIO,) CHANGE OF PLEA HEARING AND EXCLUDE
Defendant.) TIME FROM MAY 9, 2022 TO JUNE 21, 2022;
) [PROPOSED] ORDER
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It is stipulated between counsel for the United States and counsel for defendant JUAN DAGIO that the change of plea hearing set before this Court on May 9, 2022 at 1:00 P.M. be vacated, and the parties ordered to appear before this Court for a change of plea hearing on June 21, 2022 at 10:00 A.M.

On May 5, 2022, Pretrial Services completed its evaluation of Mr. Dagio's suitability for the Conviction Alternatives Program, or CAP and forwarded its report to the parties. Now that the Pretrial Services has completed that evaluation, the parties stipulate and agree that the purpose of setting Mr. Dagio's change of plea hearing for June 21, 2022 is to have time to finalize a resolution in this matter.

For this reason, the parties stipulate and agree that excluding time from April 27, 2022 to June 21, 2022 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also stipulate and agree that the ends of justice served by excluding the time from April 27, 2022 to June 21, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

STIPULATION TO VACATE AND RESET HEARING; [PROPOSED] ORDER
Case No. 20-CR-431 VC

1 IT IS SO STIPULATED.
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4 DATED: May 5, 2022

5 /s/
6 BARBARA J. VALLIERE
7 Assistant United States Attorney

8 DATED: May 5, 2022

9 /s/
10 ASHLEY RISER
11 Counsel for Defendant JUAN DAGIO

12 **[PROPOSED] ORDER**

13 Based on the facts set forth in the stipulation of the parties, and for good cause shown the Court
14 finds that Mr. Dagio's change of plea hearing set before this Court for May 9, 2022 at 1:00 P.M. should
15 be vacated, and the parties ordered to appear before this Court for a change of plea hearing on June 21,
16 2022 at 10:00 A.M.

17 Based on the facts set forth in the stipulation of the parties, and for good cause shown, the Court
18 finds that failing to exclude the time from April 27, 2022 through June 21, 2022 would unreasonably
19 deny defense counsel and defendant the reasonable time necessary for effective preparation,
20 considering the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that
21 the ends of justice served by excluding the time from April 27, 2022 through June 21 , 2022 from
22 computation under the Speedy Trial Act outweigh the best interests of the public and defendant in a
23 speedy trial.

24 Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that Mr. Dagio's
25 May 9, 2022 change of plea hearing is vacated, and the parties are ordered to appear before this Court
26 on June 21, 2022 at 10:00 A.M. for Mr. Dagio's change of plea hearing. Further, IT IS HEREBY
27 ORDERED that the time from April 27, 2022 through June 21, 2022 shall be excluded from
28 computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

1 IT IS SO ORDERED.
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4 DATED: May 9, 2022


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HON. VINCE CHHABRIA
United States District Judge